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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,936	11/13/2001	Petri Koskelainen	017.40835X00	6285

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EXAMINER

SHAH, KAMINI S

ART UNIT PAPER NUMBER

2142

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,936

Applicant(s)

KOSKELAINEN ET AL.

Examiner

Kamini S. Shah

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 4/14/05 have been fully considered but they are not persuasive. Applicant mainly discuss the present invention in general, however claimed invention fails to disclosed these features as follows.
2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "method/system for effectively implementing a distributed server tree where a server becomes a main server and identifies additional servers elsewhere and creates a temporary resource identifiers when the main server has a large load or when there are large numbers of users in particular area or domain that main server is providing service to." Also, "the other servers, which become branched servers along the main server now form a DST-Distributed server tree, that reduces loading on the main server and provides more efficient service to the clients." "The present invention is concerned with providing the service itself through the equitable distribution of the content streams through the formation of a DST, that is it is relates to dealing with a particular services (DST) consisting of several constant streams") are not recited in the rejected claim(s) 1-19, 24-40. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-15, 19-24, 26-34, 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al 6,167,449 in view of Rosenberg et al., "SIP: Session Initiation Protocol", Internet Engineering Task Force, cited by applicant.

4. Regarding to claimed invention, Arnold teaches, the invention that gives an application an ability to search or browse for network services based on the type of service, rather than having to know the name or location of the service of underlying network communication protocol used by the service. The system includes a network look-up procedure that allows client applications to access SIP servers; including Domain Name Service (DNS) and Lightweight Directory Access Protocol (LDAP), as well as Service Location Protocol (SLP), running on top of the Transport Control Protocol/Internet Protocol (TCP/IP). The system includes interface for receiving request for type of service and queries on of the SIP server, the service type includes DNS, FTP, AFP, Mail and etc. The system includes an interface, which is configured to enable client devices to select and request several types of application form SIP servers, from any receiving request, identifying type of request redirecting request from appropriate type of application from SIP servers, form any domain (DNS) or location of the servers (SLP). Even though, Arnold does not specifically discussed means and steps as claimed, but receiving request, identifying type of request redirecting request from appropriate type of service in accordance with the request are implicitly disclose in Arnold, see abstract, and col.3, lines 23-col.4, lines 1-25. Arnold teaches invention as

disclosed but does not specifically disclose load-balancing mechanism for a Session Initiation Protocol (SIP) server for given service and given stream of that service.

Rosenberg et al teaches Session Initiation Protocol as an application-layer control protocol that can establish, modify and terminate multimedia sessions such as Internet telephony calls. Also, for locating prospective session participants, SIP relies on infrastructure of network host (called "proxy servers") to which user agents can send registrations, invitations to sessions and other requests. It would have been obvious to one of the ordinary skill in the art at the time of invention to utilize the teaching of SIP protocol of Rosenberg et al because it will provide efficient load-balancing mechanism for a given service and given stream of that service.

5. Regarding claims 8,9,30,31, and 40, Rosenberg teaches Session Initiation Protocol (SIP) servers, see whole document.

6. Claims 3, 16-18, 25 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold in view of Rosenberg as applied to claims directly above, and further in view of Ahuja et al. 6,175,869.

Ahuja et al teaches a technique for server allocation, which includes dispatch mechanisms for dispatching request to servers based on the servers load (col. 1, line 38-col.2, line 13; col. 2, lines 42-col. 3, line 20 and col. 4, line 64-col. 6, line 67). It would have been obvious to include such mechanisms of notion of mechanisms with Arnold in view of Rosenberg for redirecting clients request base of server work load in order to balance load to improving network service efficiency.

Conclusion


7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S. Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kamini S Shah
Primary Examiner
Art Unit 2142

KSS